

621—4.9(20) Merger of units represented by the same certified employee organization. A certified employee organization may petition the agency to merge two of the bargaining units the organization represents into one successive unit. This proceeding does not apply to school districts' and area education agencies' reorganizations and mergers pursuant to Iowa Code chapter 273 or 275.

4.9(1) *Petition.* A petition to amend a bargaining unit may be filed by a certified employee organization to reflect a merger of two agency-determined bargaining units which have the same public employer and are represented by the same certified employee organization. The petition shall contain:

a. The names, addresses, telephone numbers, and email addresses of the public employer and the employee organization or their respective representatives.

b. A listing of all PERB cases relevant to the first unit and its certification history followed by a current description of the unit.

c. A listing of all PERB cases relevant to the second unit and its certification history followed by a current description of the unit.

d. An identification and description of the proposed amended unit.

e. The names and addresses of any other employee organizations which claim to represent any employees affected by the proposed amendment or a statement that the petitioner has no knowledge of any other such organization.

f. A statement identifying the current status of the units as either public safety units or non-public safety units and the change, if any, to the status of the unit, which would result from the requested merger.

g. A specific statement of the petitioner's reasons for seeking amendment of the unit and any other relevant factors.

4.9(2) *Accompanying documents.* The successive employee organization must file its petition with an affidavit(s) that establishes the following for each unit:

a. The act or occurrence (merger), which the requested amendment would reflect, was authorized by and accomplished in accordance with the certified employee organization's constitution and bylaws, which provided members with adequate due process; and

b. Substantial continuity of representation has been maintained.

4.9(3) *Notice.* Upon the filing of a petition, the agency shall file a notice to employees, giving notice that a petition for the merger of two units has been filed and setting forth the rights of employees under Iowa Code chapter 20. The employer shall promptly distribute, electronically or by hard copy, the notice to the affected employees. The employer shall also promptly post the notice in the manner and locations customarily used for the posting of information to employees.

4.9(4) *Procedure—decision.* Insofar as applicable, rule 621—4.2(20) shall apply.
[ARC 4458C, IAB 5/22/19, effective 6/26/19; ARC 5631C, IAB 5/19/21, effective 6/23/21]